

### **LISTING OF CLAIMS**

This listing of claims will replace all prior versions, and listings, of claims in the applications:

1. (Currently amended) A recombinant adeno-associated virus (rAAV)-producing cell,

wherein said rAAV-producing cell comprises a rAAV genome, AAV rep-cap proteins and AAV helper functions,

wherein said rAAV-producing cell expresses AAV Rep 78 and Rep 68 proteins at the level of expression of the proteins when under the control of the AAV p5 promoter and the level of expression of AAV Rep 78 and Rep 68 proteins has not been genetically down-regulated,

and wherein said rAAV-producing cell ~~insert~~ has been modified with an additional expression cassette encoding AAV Rep 52 and Rep 40 proteins but not AAV Rep 78 and Rep 68 proteins ~~to overexpress AAV Rep 52 and Rep 40 proteins in comparison to expression of the proteins when under the control of the AAV p19 promoter.~~

2. (Original) A method of producing infectious rAAV comprising the step of culturing a rAAV-producing cell according to claim 1.

3. (Currently amended) A method of generating a rAAV-producing cell, comprising the steps of :

a) providing AAV helper functions to a cell comprising a rAAV genome and AAV rep-cap proteins by infecting said cell with helper virus of AAV or by expressing helper virus proteins in said cell, and

b) then subsequently introducing into the cell an additional expression cassette encoding AAV Rep 52 and Rep 40 proteins but not AAV Rep 78 and Rep 68 proteins.

4. (Original) The method of claim 3 wherein the expression cassette in step b) is in a recombinant adenovirus (rAd).

5. (Original) The method of claim 4 wherein the rAd is a E3-deleted rAd.
- 6-7. (Canceled) .
8. (Original) The method of claim 4 wherein the rAd is a E1-deleted rAd.
9. (Previously presented) The method of claim 4 wherein the rAd is derived from simian Ad SV-20 and retains the ability of Ad SV-20 to introduce the expression cassette encoding AAV Rep 52 and Rep 40 proteins into said cell.
10. (Currently amended) A method of generating a rAAV-producing cell, comprising the steps of:
  - a) introducing an additional expression cassette encoding supplemental AAV Rep 52 and Rep 40 proteins but not AAV Rep 78 and Rep 68 proteins into a cell comprising a rAAV genome and AAV rep-cap proteins, and
  - b) providing AAV helper functions to the cell by infecting said cell with helper virus of AAV or by expressing helper virus proteins in said cell.
11. (Canceled) The method of claim 10 wherein the supplemental AAV Rep 52 and Rep 40 proteins of step a) are introduced by introducing an additional AAV rep52/40 expression cassette into the cell.
12. (Original) The method of claim 10 wherein AAV helper functions of step b) are provided by a helper virus of AAV.
13. (Original) The method of claim 12 wherein the helper virus of AAV virus is adenovirus (Ad).
14. (Previously presented) The method of claim 13 wherein the adenovirus is simian Ad SV-20.

15-17. (Canceled)

18. (Currently amended) A method of generating a rAAV-producing simian cell comprising the step of:

a) infecting with a simian Ad, a simian cell stably transformed with a rAAV genome and rAAV rep-cap DNA and modified with an additional expression cassette encoding AAV Rep 52 and Rep 40 proteins but not AAV Rep 78 and Rep 68 proteins ~~with a simian Ad~~.

19. (Previously presented) The method of claim 18 wherein the simian Ad is SV-20.

20. (Canceled)

21. (Previously presented) A method of producing infectious rAAV comprising the step of culturing a rAAV-producing cell generated by the method of claim 3, 10 or 18.

22. (Previously presented) The method of any of claims 2, 3 or 10, wherein said rAAV-producing cells are HeLa cells.

23. (Previously presented) The method of any of claims 2, 3 or 10 wherein said rAAV-producing cells are 293 cells.

24. (Previously presented) The method of any of claims 2, 3 or 10, wherein said rAAV-producing cells are low passage 293 cells.

25. (Previously presented) The method of any of claims 2, 3 or 10 wherein said rAAV-producing cells are PerC.6 cells.

26. (Previously presented) The method of any of claims 2, 3, 10 or 18, wherein said rAAV-producing cells are Vero cells.

27. (Previously presented) The method of any of claims 2, 3, 10 or 18 wherein said rAAV-producing cells are FRhL-2 cells.

28. (Previously presented) The method of any of claims 2, 3 or 10 wherein said rAAV-producing cells are MRC-5 cells.

29. (Previously presented) The method of any of claims 2, 3 or 10, 20 or 21 wherein said rAAV-producing cells are WI-38 cells.

30. (Original) The cell of claim 1 that is a HeLa, 293, low passage 293, PerC.6, Vero, FRhL-2, MRC-5 or WI-38 cell.

31. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are HeLa cells.

32. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are 293 cells.

33. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are low passage 293 cells.

34. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are PerC.6 cells.

35. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are Vero cells.

36. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are FRhL-2 cells.

37. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are MRC-5 cells.

38. (Previously presented) The method of claim 21 wherein said rAAV-producing cells are WI-38 cells.